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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,961	12/08/2005	Carl Bergman	340058.581USPC	3112
7590 Lorraine Linford Seed Intellectual Property Law Group 701 5th Avenue Suite 6300 Seattle, WA 98104-7092	10/24/2008		EXAMINER LAZO, THOMAS E	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 10/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/518,961	BERGMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas E. Lazo	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 December 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 and 26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 15, 16 and 26 is/are allowed.  
 6) Claim(s) 1-4, 8-10, 14 and 17 is/are rejected.  
 7) Claim(s) 5-7, 11-13 and 18-23 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>12/8/05</u> .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the term "preferably" renders the claim indefinite because it is unclear whether the limitations following the term are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9, 10, as far as it is definite, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Schuman et al. (5,891,505). Schuman et al. discloses a method of providing a change of pressure between two pressure states: a low pressure state and a high pressure state of at least 4000 bar, in a pressure vessel of a high pressure isostatic pressing device in which a liquid pressure medium is used for generating the pressure, by transferring liquid pressure medium between a first pressure changing device 68 and the pressure vessel 30, thereby changing the pressure in the pressure vessel from one of the two pressure states to an intermediate pressure state which has a value between the pressures of the two pressure states, transferring liquid pressure medium between a second pressure changing device 58 and the pressure vessel 30, thereby changing the pressure in the pressure vessel 30 from the intermediate pressure state to the other one of the two pressure states, withdrawing part of the liquid pressure medium from the pressure vessel to the first pressure changing device so that the pressure in the pressure vessel is lowered to the intermediate pressure, and releasing the rest of the liquid pressure medium from the pressure vessel to the second pressure changing device so that the pressure in the pressure vessel is decreased from the intermediate pressure to the low pressure, wherein the first pressure changing device 68 is used for feeding the liquid pressure medium into the pressure vessel 30, and for pressurizing the liquid pressure medium so that the pressure

vessel 30 is subjected to the intermediate pressure being lower than the high pressure, the second pressure changing device 58 is used for intensifying the pressure of the liquid pressure medium so that the pressure in the pressure vessel 30 is increased from the intermediate pressure state to the high pressure state, the pressure vessel and the second pressure changing device 58 are arranged in fluid communication with each other, the act of feeding the liquid pressure medium includes bleeding a portion thereof from the pressure vessel 30 into the second pressure changing device 58, the act of intensifying includes the step of forcing bled liquid pressure medium to return into the pressure vessel 30, while preventing such liquid pressure medium which is already inside the pressure vessel 30 from escaping therefrom, the start of the step of releasing is followed by or performed simultaneously by a step of feeding the withdrawn part of the liquid pressure medium from the first pressure changing device 68 via the pressure vessel 30 to the second pressure changing device 58, the step of withdrawing is performed in a single stroke, from a high pressure side to a low pressure side thereof, and the intermediate pressure is in the order of 2000 bar to 85-% of the pressure at the high pressure state.

Regarding claim 17, Schuman et al. discloses a high pressure isostatic pressing device for operating at pressures of at least 4000 bar, with a pressure vessel 30 in which a liquid pressure medium is used for generating a pressure, and a pressure changing arrangement for providing, in the pressure vessel 30, a change of pressure between two pressure states, a low pressure state and a high pressure state, the pressure changing arrangement being adapted to transfer liquid pressure medium between a first pressure changing device 68 and the pressure vessel 30 so that the pressure in the pressure vessel is changed from one of said pressure states to an intermediate pressure state which has a value between the pressures of the two pressure states, and to transfer

liquid pressure medium between a second pressure changing device 58 and the pressure vessel 30 so that the pressure in the pressure vessel 30 is changed from said intermediate pressure state to the other one of said pressure states.

***Allowable Subject Matter***

Claims 5-7, 11-13, and 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15, 16, and 26 are allowed. The improvement comprises releasing the rest of the liquid pressure medium from the pressure vessel through at least one release valve so that the pressure in the pressure vessel is decreased from said intermediate pressure state to the low pressure state.

***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of five patents.

Hellgren, Gardin et al., Bergman et al., Traff et al., and Yutaka are cited to show high pressure isostatic pressing devices.

***Contact Information***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas E. Lazo/  
Primary Examiner,  
Art Unit 3745  
October 22, 2008